

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Grizzly Auto Transports, *et al.*,

Plaintiffs,

v.

Case No. 08-11832

Tran Tech, Inc.,

Honorable Sean F. Cox

Defendants.

ORDER AFFIRMING
MAGISTRATE JUDGE HLUCHANIUK'S JUNE 19, 2009 ORDER

Plaintiffs filed this action on April 29, 2008. Defendant filed a Motion to Compel Discovery on November 10, 2008. That motion was referred to Magistrate Judge Michael Hluchaniuk pursuant to 28 U.S.C. §636(b)(1)(A). The parties ultimately entered into a stipulation to resolve the Motion to Compel and an order incorporating the terms of the stipulation was entered on December 24, 2008. (Docket Entry No. 20). The stipulation and order provided that Plaintiffs would provide “full and complete responses” to Defendant’s interrogatories and requests for production of documents by January 5, 2009.

On January 6, 2009, Defendant filed a motion seeking sanctions for Plaintiffs’ failure to comply with the December 24, 2008 Stipulation and Order. This Court referred that motion to Magistrate Judge Michael Hluchaniuk pursuant to 28 U.S.C. §636(b)(1)(A). After briefing by the parties and oral argument, on June 19, 2009, Magistrate Judge Hluchaniuk issued an “Order Granting Defendant’s Motion for Sanctions, In Part.” Although he did not award the full amount of sanctions requested by Defendant,¹ Magistrate Judge Hluchaniuk did impose sanctions in the

¹Defendant sought sanctions of more than \$5,000.

amount of \$750.00. Thereafter, Plaintiffs filed the instant “Objections to Order Granting Motion for Sanctions” (Docket Entry No. 43).

The Court finds that the issues have been adequately presented in the parties’ briefs and that oral argument would not significantly aid the decisional process. *See* Local Rule 7.1(e)(2), U.S. District Court, Eastern District of Michigan. The Court therefore orders that the objections will be decided upon the briefs. For the reasons set forth below, the Court shall overrule Plaintiffs’ objections and affirm Magistrate Judge Hluchaniuk’s June 19, 2009 Order.

When a magistrate judge hears and determines a non-dispositive motion, such as Defendant’s Motion for Sanctions, the district judge to whom the case is assigned may reconsider the order addressing that motion “where it has been shown that the magistrate judge’s order is clearly erroneous or contrary to law.” *Id.*; *see also* FED. R. CIV. P. 72.

Having reviewed the relevant motions and orders, and Plaintiffs’ objections to the June 19, 2009 Order, the Court finds that Plaintiffs have not met their burden of establishing that Magistrate Judge Hluchaniuk’s June 19, 2009 Order is clearly erroneous or contrary to law.

Accordingly, **IT IS ORDERED** that Plaintiffs’ Objections to the Order are **OVERRULED** and the June 19, 2009 Order is **AFFIRMED**.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: August 4, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 4, 2009, by electronic and/or ordinary mail.

S/Jennifer Hernandez
Case Manager